

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

EDITH PALOS,
Plaintiff

v.

UNIVERSITY OF TEXAS HEALTH
SCIENCE CENTER HOUSTON
Defendant

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CA: H-09-2798

TRIAL BY JURY DEMANDED

PLAINTIFF'S MOTION FOR CONTINUANCE TO RESPOND TO
DEFENDANTS' WRITTEN DISCOVERY

TO THE HONORABLE JUDGE OF SAID COURT: .

COMES NOW, **Edith Palos**, Plaintiff, and makes this her Motion for Continuance to Respond to Defendant's various written discovery served on May 4, 2010; and for cause, Plaintiff would show the following:

1. The response date was on June 3, 2010.
2. Plaintiff's Counsel has been in preparation of a brief in the United States Court of Appeals, *Cuadra v. Houston Independent School District et al*, which was filed on June 1, 2010; and
3. Plaintiff's Counsel has been in preparation of a response to two Motions for Summary Judgments, which have more than in the same case which are

both due on June 14, 2010, in the USDC-SDT-Houston , which Motions contain hundreds of pages of exhibits.

4. The Plaintiff has already been deposed on May 11, 2010 in a related case in a this court's sister court by various lawyers, including an Assistant Attorney General, without her objection.
5. On June 9, 2010 Defendant's counsel herein wrote a letter and said,

If I have not received a response to UTHHealth's discovery requests by Monday, June 14, 2010, I will presume that you are refusing to respond to our requests. As a result, I will have no choice but to seek the Court's intervention to compel Plaintiff's response. Furthermore, any failure by you to respond to this letter by June 14 will constitute a rejection my offer to confer on this matter in accordance with Local Rule 7.1.
6. Plaintiff's counsel wrote to opposing counsel and sought an extension for discovery response until June 21, 2010.
7. Opposing counsel sent an e-mail on the afternoon of June 11, 2010 stating,

I may not have been clear. Please provide me with the case name and cause number for the case pending in the S.D. Tex. for which you have a summary judgment deadline on June 14 and which purportedly necessitates the extension to June 21 for Plaintiff to reply to Defendant's discovery requests in the Palos case. Thank you.
8. Out of concern that opposing counsel may be precipitating an unnecessary motion confrontation, Plaintiff requests not for delay alone but that justice be done an extension until June 21, 2010 to respond to all outstanding written discovery propounded by Defendant to Plaintiff in this case.

9. Plaintiff will have responses to defendants counsel in accordance with the FRCP on or before June 21, 2010.

Respectfully submitted,

WATTS & ASSOCIATES,

By: /S/LW

Larry Watts, 20981000, 7092

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Missouri City, Texas 77459

(281) 431-1500

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Attorney in Charge for Plaintiff

CERTIFICATE OF CONFERENCE

I, Larry Watts, certify that I called opposing counsel, spoke to him personally, and gave him the name of the case in which I am preparing the response to Motion for Summary Judgment on June 11, 2010. I have not received any communication which indicates his intent to grant Plaintiff an extension until June 21, 2010 as requested. Therefore, Plaintiff presumes that this Motion is opposed.

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VERIFICATION

I, Larry Watts, verify that the facts stated herein are true and correct according to my personal knowledge, subject to the penalties of perjury.

/S/LW

CERTIFICATE OF SERVICE

I hereby certify that a true, complete, and correct copy of the foregoing Plaintiff's Initial Disclosures was served, via FAX and via filing with the Court's CM/ECF filing system, on June 11, 2010 to the following:

Darren G. Gibson, Assistant Attorney General,
General Litigation Division,
P.O. Box 12548,
Capitol Station, Austin, Texas 78711-2548,
FAX 512. 320 0667

/S/ LW

Larry Watts

